

REMARKS

II. RESPONSE TO OFFICE ACTION

A. **Status of the Pending Application**

Claims 1-24 are pending in the application. Claims 1-12 stand rejected on the grounds of non-statutory obviousness-type double patenting as being unpatentable over Holtzberg (U.S. Patent No. 6,625,261). Claims 13-24 stand rejected under 35 U.S.C. § 102(e) as being unpatentable over Kuter et al. (U.S. Patent No. 6,876,729).

B. **Objections to the Claims**

Applicant has amended claim 22 to correct the typographical error of "claim 13" to "claim 21" as pointed out by the Examiner. Applicant respectfully requests that the Examiner enter the above-described amendment to claim 22 and withdraw the outstanding objection.

C. **Prior Art Rejections**

1. **Claims 1-12 are not subject to a non-statutory obviousness-type double patenting rejection**

Claims 1-12 stand rejected on the grounds of non-statutory obviousness-type double patenting as being unpatentable over Holtzberg (U.S. Patent No. 6,625,261). The Examiner indicates that claims 1-12 are not patentably distinct from the claims of Holtzberg, because the claims in the present application are broader than those in the patent. Applicant respectfully disagrees.

The Examiner asserts that claim 5 of the present application, for example, is the same as claim 1 of the Holtzberg patent. (See Office Action mailed February 22, 2006, at 2-3). However, claim 5 of the present application does not recite several features of claim 1 of the Holtzberg patent. For example, claim 5 does not include a service node in communication with a switch; a memory operatively coupled to a processor; a user interface program stored in the memory; and a voice playback subsystem coupled to the processor. In addition, claim 5 of the present application

does not recite that the user interface program is executable by the processor for setting a bookmark pointer associated with a voicemail message in response to a bookmark request received during playback of the voicemail message. Because claim 5 does not recite all the features of claim 1 of the Holtzberg patent, claim 5 is of a different scope from claim 1 of the Holtzberg patent, and a non-statutory obviousness-type double patenting rejection is not proper.

For all of these reasons, claims 1-12 should be allowed over Holtzberg, and notice to that effect is earnestly solicited. However, if the Examiner is not persuaded by the reasons provided above, Applicant will provide a terminal disclaimer to overcome the rejection based on Holtzberg.

2. Claims 13-24 are not anticipated by Kuter et al. (U.S. Pat. No. 6,876,729)

Claims 13-24 stand rejected under 35 U.S.C. § 102(e) as unpatentable over Kuter et al. (U.S. Pat. No. 6,876,729). Kuter et al. discloses a system for bookmarking voice messages. In Kuter et al., a user marks a voice mail message by setting bookmarks at a bookmark location. The user accesses and plays back the voice mail message by selecting the bookmark. The Examiner asserts that Kuter et al. discloses the features of claims 13-24. Applicant respectfully disagrees.

Claim 13 recites, for example and without limitation, playing back a voicemail message; then receiving a bookmark request during the playing back of the voicemail message; then receiving a request for playing back the voicemail message; and then instead of playing back the voicemail message from a start of the voicemail message, playing back the voicemail message starting at a point preceding a point in the voicemail message at which the bookmark request was received without receiving a rewind command from a user. Claim 17 recites, for example and without limitation, a processor operative to play back a voicemail message; then receive a bookmark request during the playing back of the voicemail message; then receive a request for playing back the voicemail message; and then

instead of playing back the voicemail message from a start of the voicemail message, play back the voicemail message starting at a point preceding a point in the voicemail message at which the bookmark request was received without receiving a rewind command from a user. Claim 21 recites, for example and without limitation, a computer usable medium storing a computer program comprising means for performing steps recited in claim 13.

The Examiner alleges that Kuter et al. discloses “instead of playing back the voicemail message from a start of the voicemail message, playing back the voicemail message starting at a point preceding a point in the voicemail message at which the bookmark request was received without receiving a rewind command from a user.” (See Office Action mailed February 22, 2006, at 4). However, Kuter et al. teaches placing bookmarks at positions preceding a point in the voicemail message at which the bookmark request was received (Kuter et al., at col. 4, ll. 19-42). Kuter et al. is silent on playing back the voicemail message starting at the preceding point without receiving a rewind command from a user, at the bookmark request point. Kuter et al. only discloses placing bookmarks at different positions associated with a voice mail message and does not disclose playing back the voice mail message at different positions based on bookmarks, without receiving rewind commands. Because Kuter et al. does not disclose or suggest all of the features of claims 13, 17, and 21, Kuter et al. does not anticipate claims 13, 17, and 21.

In addition, the independent claims include features not disclosed or suggested by Kuter et al. For example claims 15 and 23 recite, among other features, that the voicemail message is stored in a database, and determining a memory location within the stored voicemail message based on the timing offset value. While Kuter et al. discloses a storage medium (See Kuter et al., Fig. 5), Kuter et al. does not disclose a database, and is silent on storing the voicemail message in a database, and fails to disclose or suggest determining a memory location within the stored voicemail message based on the timing offset value. A database includes “a file composed of records, each containing fields together with a set of

operations for searching, sorting, recombining, and other functions.” (See MICROSOFT PRESS COMPUTER DICTIONARY, Third Edition 1997, at 129). A storage medium alone is not a database. Therefore, because Kuter et al. does not disclose or suggest all of the features of claims 15 and 23, Kuter et al. does not anticipate claims 15 and 23.

Claims 16, 20 and 24 recite, among other features, that the steps are performed by a service node. Kuter et al. is silent on using a service node to perform any of the features of claim 13, such as playing back a voicemail message; then receiving a bookmark request during the playing back of the voicemail message; then receiving a request for playing back the voicemail message; and then instead of playing back the voicemail message from a start of the voicemail message, playing back the voicemail message starting at a point preceding a point in the voicemail message at which the bookmark request was received without receiving a rewind command from a user. Kuter et al. discloses a processing unit 104 (See Kuter et al., Fig. 5), but the processing unit 104 is not a “service node,” or a point at a network node where service users access the services offered by service providers, such as interactive voice response, customized announcements, voice-activated dialing and advanced Internet services such as Internet call waiting. (See HANDS-ON ATM, McDysan and Spohn, 1998, at 624). Because Kuter et al. does not disclose the features of claims 15 and 16, Kuter et al. does not anticipate claims 15 and 16.

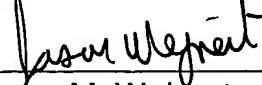
Claims 14, 18-19, and 22, depending respectively from claims 13, 17, and 21, are also patentable at least for the reasons described above. Therefore, applicants respectfully requests withdrawal of the rejections of claims 13-24 under 35 U.S.C. § 102(e).

D. Conclusion

Applicant respectfully submits that the pending claims are patentable for all of the reasons set forth herein, and therefore respectfully requests withdrawal of the

pending rejections and allowance of the claims. The Examiner is invited to contact the undersigned Attorney via telephone if the Attorney can answer any of the Examiner's questions, comments, or concerns.

Respectfully submitted,



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